IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33712 of 2008
KATESHWAR MANJHI
Versus
STATE OF BIHAR

For the petitioner – Mr. Ajay Kr. Singh No. 1, Adv.
For the State – Mr. J.S.P. Singh, A.P.P.
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2. 18/8/2008 Heard learned counsel for the petitioner and learned counsel for the State.

Case has been registered under Section 302 of the Indian Penal Code.

Allegation is that the petitioner has assaulted the deceased by lathi causing head injury and he died.

Learned counsel for the petitioner submits that there was no motive to kill the deceased. From the First Information Report it is clear that when the deceased went to pacify Kateshwar Manjhi and his son, who were quarrelling, then Kateshwar Manjhi, who is petitioner here, started assaulting and had given lathi blow repeatedly. He submits that there was only one head injury which shows that there was only one blow. He further submits that it may be an accidental death.

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Learned counsel for the State submits that there is direct allegation upon the petitioner of assaulting by lathi causing death of the deceased. He submits that it is clear from the averments of the petitioner itself that the post-mortem report supports the ocular evidence.

In the facts and circumstances of the case and in view

of the submissions made, I am not inclined to grant bail to the petitioner for the present. The prayer for bail is rejected at this stage.

S.Ali **(Dr. Ravi Ranjan, J.)**

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